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09/804,358	03/12/2001	Cary Lee Bates	ROC9 2000 0240	9027

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EXAMINER

HO, THOMAS M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,358

Applicant(s)

BATES ET AL.

Examiner

Thomas M. Ho

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>4/13/05</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The amendment of 11/26/04 has been received and entered.
2. Claims 1-18 are pending.

Response to Arguments

3. Applicant has argued to make the point in page 10, paragraph 1:

“Applicants wish to distinguish associating the geographical location with the stored information, as in Hastings’ 629, between associating the geographic location with the password as claimed by inventors”

The Examiner contends that Hastings’ 629 provides sufficient disclosure to support the position that the geographic location is indeed associated with the password.

Specifically, Hastings’ 629 (Column 4, lines 35-39) recites:

“If the user’s actual geographic position and the current date and time are within the authorized geographic region and the authorized date/time *corresponding to the user password* 150, then the user can access the selected files via the user interface 95.”

Secondly, the Examiner contends that even if Hastings’ 629 (Hastings) were to only disclose files associated with a geographic, and that the passwords were only associated with the files,

there is still nevertheless an association between the geographic location and the passwords, even though the association may have one greater degree of indirection.

Applicant further argues on page 11:

Hasting' 629 nor Zelda nor Link in Zelda 2: The adventures of Link do not teach that the password is geographically unique as claimed, and that use of the electronic processing device is restricted unless the geographically-unique password is entered when the device is within the geographic region."

The Examiner shall interpret that last part of the argument to mean "when the device is within the geographic region."

The Examiner contends that "geographically-unique", the term applicant recites in the argument, and "geographically associated", the term that is actually claimed, are two different concepts. Indeed, the Examiner maintains that "geographically-unique" is much more specific than "geographically associated" or even "geographic specific" as recited in claims 14 and 17.

As the Examiner stated above, Hastings' 629 recitation (Column 4, lines 35-39) provides support for a broad interpretation of term "geographically associated" and "geographic-specific."

Whether Hasting's 629 provides support for a "geographically-unique" password is beyond the scope of this action, as such limitation does not appear to be present in the claims.

Applicant additionally argues (page 2, paragraph 10):

“The second claimed element not taught or suggested by Hasting’ 629 is “access [is to] the processing electronics”, as in claim 1, 17, and that the “device is enabled”, as in claims 2, 13, 14, and that the “user is allowed to use the electronic processing device”, as in claim 16, only when a geographic-specific password is entered by a user. Hastings’ 629 still enables the device but just restricts access the stored information, see Abstract of Hastings’ 629. Applicants have clearly distinguished between access to stored information, as in Hastings ‘ 629, and access to the electronic processing device in the claims.”

The Examiner shall interpret the above quote to recite “...restricts access to the stored information...”

The Examiner maintains that such elements are inherent to the invention of Hasting’ 629.

Hastings (Column 4, lines 35-40) allows the user to access the code when a password is found to be of that particular geographic region. That action causes certain instructions to be executed in the Hastings system. The Examiner is interpreting such subsequent actions on the part of Hastings to be “enabled.” The Examiner considers such interpretation to be reasonable.

Applicant himself/herself has also curiously acknowledged this fact, yet argued it is a claimed element not taught. “Hastings’ 629 still enables the device but just restricts access the stored information”

Also, with regards to the "Access", the Examiner would contend that being able to use the recited element as part of the system can certainly be construed as access to it. Applicant relies on evidence in the Abstract of Hastings' 629 to defend the allegations. The Examiner has found no strong support in the Abstract to support Applicant's secondary arguments. Simply because access might be limited to authorized individuals, it does not mean that there is no access evident. Additionally, the Examiner would object to Applicant use of the Abstract to defend the allegations, particularly when arguing what is NOT taught or suggested. The abstract is a significant abridgement of the actual invention itself. It is obvious that numerous details of the invention would not adequately be disclosed in the abstract.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 7-8, 10-14, 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hastings et al., US patent 6370629.

In reference to claim 1:

Hastings et al. discloses an electronic processing device, comprising:

- A user interface to interact with a user; (Figure 2, Item 95)
- Location detection electronics (Figure 2, Item 90, 75)
- Processing electronics connected to the user interface and the location detection electronics. (Figure 2, Item 70,80,20)
- Memory to store a plurality of passwords associated with a plurality of geographic regions, the memory connected to the processing electronics, where the plurality of passwords is understood to be stored in some kind of memory or media. (Figure 2, Item 35)
- A gatekeeper to access the processing electronics when a password input on the user interface that is the same as a password in memory and when the location detection electronics inputs a present location to the processing electronics that is one of the plurality of geographic regions with which the input password is associated, where the gatekeeper to access the proper data when the proper password is entered is the device driver, which in the figure has access to the entire database of files, policy files, and consequently, their associated passwords. (Figure 2, Item 72)

In reference to claim 2:

Hastings et al. discloses a method to establish a password in an electronic processing device comprising the steps of:

- Invoking a user interface of the electronic processing device (Figure 2, Item 95)

- Entering a description of a first geographic location, where the description of the first geographic location is entered by the GPS system to the receiver unit. (Column 1, Line 65 – Column 2, Line 6)
- Creating a first password, where the created password is the password received from the producer (Column 5, lines 29-34)
- Associating the first password with the first geographic region, where the passwords are associated with policy files, which are associated with geographic regions, thereby creating an association between geographic regions and specific passwords. (Column 4, lines 26-40)
- Enabling a user to access information within the electronic device when the electronic device is in the first geographic region only when the first password is entered by the user, where upon the password entered by the user in the electronic device is determined to be within the geographic region, access to the files is given (Column 4, lines 35-40) et sequens, (Figure 4, Item 460, 470)

In reference to claim 3:

Hastings et al. discloses the method of claim 2, wherein the step of entering a description of a first geographic region further comprises:

- Obtaining the GPS location from GPS processing electronics within the electronic processing device (Figure 2, Item 90, 75, 70)
- Creating boundaries by extending a selected distance from the GPS location, where the boundaries are the preset designated geographic regions (Column 2, lines 38-46)

In reference to claim 5:

Hastings et al. (Column 4, lines 5-17) discloses the method of claim 2, wherein the step of entering a description of a first geographic region further comprises entering the longitude and latitude coordinates of the boundaries of the geographic region.

In reference to claim 7:

Hastings et al. discloses the method of claim 2, further comprising:

- Entering a description of a second geographic region, where the description of the second geographic region may be entered when the Level 2 system asks for a second input of the position from the GPS. (Column 6, lines 33-40)
- Creating a second password associated with the second geographic region. (Column 6, lines 4-9)

In reference to claim 8:

Hastings et al. discloses the method of claim 7, further comprising:

Assigning a priority to the first and second geographic region, where the assigning of the priority comes about from having multiple levels of security. (Column 3, lines 35-50)

Additionally (Column 5, lines 10-25) discloses that each file or subset of files may be associated with different geographic regions, some with overlapping regions or intervals, indicative of a different order of security or priority for the geographic regions.

In reference to claim 10:

Hastings et al. (Column 5, lines 30-35) & (Figure 4, Item 420) discloses the method of claim 2, wherein the step of creating a password further comprises:

Inspecting the password to determine if it is valid according to password generation rules.

In reference to claim 11:

Hastings et al. (Column 6, lines 1-10) disclose the method of claim 7, wherein the step of creating the first password and the second password further comprises inspecting the first and second passwords to determine if they are valid according to password generation rules, where the second password is the one time password corresponding to the user's password.

In reference to claim 12:

Hastings et al. (Column 6, lines 1-10) disclose the method of claim 11, wherein the password generation rules for the first password are different than the password generation rules for the second password, where the rules for the first password are that they are created by the producer, while the second password is created corresponding to the user's password with the private key.

In reference to claim 13:

Hastings et al. (Column 2, lines 25-40) The method of claim 2, wherein the step of enabling the electronic device when the electronic device is in the first geographic region only when the first password is entered by the user, further comprises determining the present location of the

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electronic device using GPS signals processed by the GPS processing electronics within the electronic device, where the device used is a GPS system and processing apparatus (Figure 2, Item 70), and the enabling of the user is determined from the present location of the electronic apparatus to see if it is located within the proper geographic region.

Claim 14 is rejected for the same reasons and elements as claim 13.

Claim 16 is rejected for the same reasons and elements as claim 8.

Claim 17 is rejected for the same reasons and elements as claim 13.

In reference to claim 18:

Hastings et al. (Figure 2, Items 90,75, 70) discloses the secure electronic processing device of claim 17, wherein the means to determine that said present location is one of said geographic locations further comprises a GPS antenna and GPS processing electronics.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 6, 9, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings et al.

In reference to claim 4:

Hastings et al. fails to explicitly disclose the method of claim 2, wherein the step of entering a description of a first geographic region further comprises:

Delineating the boundaries of the first geographic region using a graphical user interface on a map containing the first geographic region.

Hastings et al. however does disclose the boundaries of a first geographic region that would be placable on a map. (Column 4, lines 5-15)

The Examiner takes official notice that delineating information of a geographic region using a graphical user interface was well known at the time of the invention. Such examples include the popular map and directions websites, www.mapquest.com, and www.zip2.com, later absorbed by mapquest.com. Additionally, geographic regions have also been denoted long in the art, through video games, which usually map a virtual world in a graphical user interface that is interactive. Examples of this are The Legend of Zelda, Civilization, Star Control 2.

It would have been obvious to one of ordinary skill in the art at the time of invention to delineate the boundaries of a first geographic region using a graphical user interface on a map containing the first geographic region, in order to digitally display the geographic region to the user to give the user a picture impression of the region, and without having to print out costly and difficult to update hard copy maps.

In reference to claim 6:

Hastings et al. fails to explicitly disclose the method of claim 2, wherein the step of entering a description of a first geographic region further comprises entering a street address associated with a geographic region.

Hastings et al. however does disclose the use and input of geographic regions and position.
(Column 4, lines 5-17)

The Examiner takes official notice that street addresses were well known denotations of geographic position.

It would have been obvious to one of ordinary skill in the art at time of invention to use a street address as a description of a first geographic region in order to allow entry of user locations through street addresses which may be more intuitive to users and printed reports, instead of just latitude longitude coordinates.

In reference to claim 9:

Hastings et al. fails to explicitly disclose method of claim 8, further comprising:

- Allowing the user to enable the electronic processing device in the second region by entering the first password if the first geographic region is of higher and/or equal priority than the second geographic region and the electronic processing device is in an area of

the second region overlapping an area of the first region, where the password is the element which allows the user to enable the processing device.

- Hastings et al. does however, disclose associating the first password with the first geographic region, where the passwords are associated with policy files, which are associated with geographic regions, thereby creating an association between geographic regions and specific passwords. (Column 4, lines 26-40)
- Hastings (Column 4, lines 5-15) additionally discloses that each file is associated with one or more geographic regions stored in the list, effectively overlapping first and second geographic regions and the files that are accessible to them.
- While it is stated above that Hastings et al. fails to explicitly disclose password priority between first and second regions, it can be understood from that passwords between regions have at least either one of equal priority or higher priority than other regions.
- It was well known in the art at the time of invention that access to one region would naturally allow access to the regions that it overlapped, or sub-regions contained within a greater region. For example, gaining full access to a region A, that overlapped partially with a second region B, would still allow full access to the region A despite the overlap, for the obvious reason that the portion of B that is located in portion A is still apart of region A.

- Hastings (Column 2, lines 1-5) additionally suggests that fact by stating “A computer receives the position information with a geographic region within which access to the stored information is authorized and permits access to the stored information if the actual geographic region is located within the authorized geographic region.”
- It would have been obvious to one of ordinary skill in the art at the time of invention to allowing the user to access the electronic processing device in the second region by entering the first password if the first geographic region is of higher and/or equal priority than the second geographic region and the electronic processing device is in an area of the second region overlapping an area of the first region, in order to avoid the confusion that may arise from not giving a user full access to a region, even if the said region’s boundaries happened to overlap into a second region.

Claim 15 is rejected for the same reasons as claim 9 and the claims it depends on.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of the final action and the advisory action is not mailed under after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension pursuant to 37 CFR 1.136(A) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

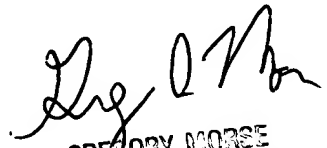
The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist	Telephone: 571-272-2100	Fax: 703-872-9306
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TMH

April 13th, 2005


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